

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2006-006500-002 DT

05/30/2006

COMM. DAVID O. CUNANAN

CLERK OF THE COURT
A. Aguirre
Deputy

FILED: 06/15/2006

STATE OF ARIZONA

E G NOYES JR.

v.

NEIL PAUL KELLEY (002)

DAVID BURNELL SMITH

APO-PLEAS-CCC
JUDGE TRUJILLO
VICTIM WITNESS DIV-AG-CCC

PLEA AGREEMENT/CHANGE OF PLEA

State's Attorney:	E G Noyes Jr.
Defendant's Attorney:	David Burnell Smith
Defendant:	Present
Court Reporter:	Patty Connolly

This is the time set for Status Conference/Possible Change of Plea.

The Defendant is given a Donald advisory.

Defendant requests additional time to further discuss the plea offer with counsel and court stands at recess.

LATER: Court reconvenes with the Defendant and respective counsel present.

Court Reporter, Patty Connolly, is present.

The Court reviews the Plea Agreement with Defendant. The Court advises Defendant of the range of possible sentence and the availability of probation, and any special conditions of sentencing and probation. The Court advises Defendant of all pertinent constitutional rights and rights of review.

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Defendant enters a plea of Guilty to the following:

OFFENSE: Count 4 (Amended) Theft
Class 4 Felony
A.R.S. § 13-1802
Date of Offense: August and September 2004
Non Dangerous - Non Repetitive

IT IS ORDERED accepting the plea.

IT IS ORDERED setting time for sentencing on 6/28/2006 at 8:45 a.m. before Judge Trujillo.

IT IS FURTHER ORDERED that the following will be deemed submitted at the time of sentencing: Motion To Dismiss Counts 3, 5, 6, 9 and 10 as reflected in the Plea Agreement.

IT IS ORDERED the Adult Probation Department shall prepare a Presentence Report, and that Defendant shall report to the Adult Probation Department if not in custody.

IT IS ORDERED vacating any pending dates.

IT IS FURTHER ORDERED affirming prior release orders.

3:00 p.m. Matter concludes.